

Vilana Financial v. Gregerson

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Vladimire Kazaryan

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3 Case Type: Other Civil	3	3 EXAMINATION PAGE	3
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7	7	7 EXHIBITS: MARKED	7
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10	10	10 REQUEST FOR DOCUMENTS: None	10
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1 APPEARANCES:	1 * * *	1
2	2 (WHEREUPON, the following proceedings transpired:)	2
3	3 * * *	3
4	4	4
5	5 VLADIMIRE S. KAZARYAN,	5
6	6 a witness in the above-entitled	6
7	7 action, after having been first	7
8	8 duly sworn, was examined and	8
9	9 testified as follows:	9
10	10	10
11	11 MR. GREGERSON: My name is Chris	11
12	12 Gregerson, 150 North Green Avenue, New	12
13	13 Richmond, Wisconsin. It's Monday, June	13
14	14 6th, 2006 at 2:05 p.m.	14
15	15 MS. SMITH: Excuse me. I don't	15
16	16 mean to interrupt. This is Morgan	16
17	17 Smith. I'm the attorney representing	17
18	18 - Vilana Financial. I think you misspoke	18
19	19 saying June. The month is February.	19
20	20 MR. GREGERSON: I'm sorry. You're	20
21	21 right. This is Monday, February 6th.	21
22	22 We are at the offices of Fredrikson &	22
23	23 Byron, 200 South Sixth Street,	23
24	24 Minneapolis, Minnesota. The deponent is	24
25	25 Vladimire Kazaryan. Persons present are	25

COPY

EXHIBIT

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1 myself, Arlene Gregerson, Morgan Smith,
2 Andrew Vilenchik and Diane Wicht.

EXAMINATION

BY MR. GREGERSON:

6 Q I have a little bit of preamble. The purpose
7 of the deposition today is to learn what you
8 know that can help in resolving the litigation
9 between your employer and myself. As I
10 mentioned, this is my first deposition. I'll
11 be going slowly for both my benefit and for
12 yours.

13 If any question that I ask isn't clear or
14 you don't understand it, please ask me for
15 clarification before answering it. Although
16 there's no judge here, you are under oath and
17 should answer the same as you would if you
18 were giving testimony in court. Did you bring
19 a notarial logbook?

20 A No.

21 Q That was requested. Is that --

22 A I don't have it.

23 Q Do you mean to say you don't have one at all
24 or --

25 A At all.

1 Q When did you begin working for Vilana
2 Financial?

3 A March of 2004.

4 Q Do you remember which part of the month you
5 began working for them?

6 A For Vilana Financial?

7 Q Which part of the month your employment began.

8 A My unemployment?

9 Q Employment.

10 A Oh, employment. 8th, I believe. March 8th.

11 Q Okay. And how long have you known Andrew
12 Vilenchik?

13 A For about four years.

14 Q Can I ask how you met Andrew?

15 A Through my wife. My wife knew him.

16 Q Okay. Did Andrew hire you to work at Vilana?

17 A Yes.

18 Q Okay. Are you a notary public?

19 A Yes, I am.

20 Q Okay. Can you tell me the required elements
21 of notarizing a document?

22 A Yes. Make sure whoever is signing is the
23 actual person and to check the picture ID and
24 to verify the signatures.

25 Q Does a notary have any other duties that are

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1 Q -- you don't normally keep one?

2 A I don't.

3 Q Okay.

4 MR. SMITH: Excuse me. I don't
5 mean to interrupt, but I think I should.
6 This is Morgan Smith again speaking. I
7 would point out for the record that
8 Mr. Kazaryan's first language is
9 Russian, and I appreciate
10 Mr. Gregerson's remarks about asking his
11 question slowly. I think that will be
12 helpful for our behalf as well as yours.
13 Further, I want to point out that
14 Mr. Kazaryan has been ill. He's here
15 today anyway, but he's not feeling the
16 best. So again, if you can ask your
17 questions slowly, I think it will be
18 helpful. I think the last question was
19 understood and answered and so I'll
20 return the ball to you, Mr. Gregerson.

21 MR. GREGERSON: Okay. Thank you.

22 BY MR. GREGERSON:

23 Q Your last name is -- Kazaryan is the
24 pronunciation?

25 A Yes.

1 required beyond those?

2 A That I know of I have to make sure -- I have
3 to notarize the actual signature. And for me
4 to do that I have to check the picture ID and
5 make sure this is the actual person signing
6 it.

7 Q Did you receive some instruction or training
8 as a part of getting your commission as a
9 notary public?

10 A I don't remember 'cause I got it a long time
11 ago. Since 2001, I believe. I don't think
12 so, no.

13 Q Are you aware of any specific consequences if
14 you violate the rules that you explained?

15 A Yes, I am.

16 Q And what are those?

17 A If I forget a signature or -- I know I have to
18 follow by particular steps to notarize a
19 signature, and I do have to follow by the
20 rules as far as whoever is signing it. Like I
21 said, I have to look at the picture ID before
22 they sign in front of me.

23 Q You don't recall specifically what the
24 consequences are for a particular deviation
25 from the procedure?

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<p>1 A Can you rephrase the question?</p> <p>2 Q Sure. If -- for example, if the date is not</p> <p>3 today's date, if there's -- if that has a</p> <p>4 particular significance or consequence</p> <p>5 compared with that you fail to sign your own</p> <p>6 name.</p> <p>7 MR SMITH: Is that a question?</p> <p>8 MR GREGERSON: Yeah.</p> <p>9 BY MR GREGERSON:</p> <p>10 Q I'm wondering if you yourself are aware of,</p> <p>11 within the requirements of a notary, if</p> <p>12 deviating from those requirements has a</p> <p>13 consequence.</p> <p>14 MR SMITH: So the question is are</p> <p>15 you aware.</p> <p>16 THE WITNESS: Aware of what?</p> <p>17 BY MR GREGERSON:</p> <p>18 Q In other words, I understand your answer so</p> <p>19 far to be that you're aware that there are</p> <p>20 consequences</p> <p>21 A Mm-hmm. Yes.</p> <p>22 Q And I think you're sort of implying that you</p> <p>23 don't know necessarily what they are</p> <p>24 specifically, just that you know that there</p> <p>25 are consequences.</p>	<p>1 question or a statement?</p> <p>2 MR GREGERSON: It's a question</p> <p>3 BY MR GREGERSON:</p> <p>4 Q Are you aware of any significance beyond that?</p> <p>5 I can give you an example to help clarify.</p> <p>6 When you notarize a document, you don't know</p> <p>7 if the contents are true. You're not claiming</p> <p>8 the contents are true. You're only verifying</p> <p>9 the identity of the person signing it.</p> <p>10 A Correct</p> <p>11 Q Okay. I'd like to show you a document that I</p> <p>12 have some questions about and I guess I need</p> <p>13 to give you a copy. This can be A.</p> <p>14 (WHEREUPON, Deposition Exhibit A</p> <p>15 was marked for identification)</p> <p>16 BY MR GREGERSON:</p> <p>17 Q I'd like to know if you've seen this document</p> <p>18 before.</p> <p>19 A I don't remember, but it seems like I did</p> <p>20 notarize it.</p> <p>21 Q Do you remember notarizing it?</p> <p>22 A No. It was a long time ago it looks like.</p> <p>23 Q Do you recognize the signature as being your</p> <p>24 signature?</p> <p>25 A Yes.</p>
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<p>1 MR SMITH: Hold on a second. So</p> <p>2 what is your question?</p> <p>3 MR GREGERSON: If he's aware of</p> <p>4 the specific consequences.</p> <p>5 BY MR GREGERSON:</p> <p>6 Q I can give you an example of a specific</p> <p>7 consequence. Like say if you use the wrong</p> <p>8 date, you lose your commission.</p> <p>9 A Oh. That I know. Of course.</p> <p>10 Q Okay. Are you aware of any other consequences</p> <p>11 like that?</p> <p>12 A Even if the -- the person has to be in front</p> <p>13 of me. I have to see the signature,</p> <p>14 somebody's putting down the signature for me</p> <p>15 to notarize it. It has to be the actual</p> <p>16 person signing it. Other -- yeah, there's</p> <p>17 other ones, I guess.</p> <p>18 Q So when you notarize a document, you're</p> <p>19 attesting that a certain person signed that</p> <p>20 document?</p> <p>21 A Yeah, I verify that's the actual person,</p> <p>22 correct.</p> <p>23 Q Okay. And it doesn't have any legal or formal</p> <p>24 significance beyond that?</p> <p>25 MR SMITH: I'm sorry. Is that a</p>	<p>1 Q Do you know where you would have notarized</p> <p>2 that document?</p> <p>3 A If I remember, it would be in the office where</p> <p>4 we work at.</p> <p>5 Q And where is that?</p> <p>6 A Back then it was in the New Brighton office.</p> <p>7 I don't recall the address.</p> <p>8 Q Do you recognize the name of the signator to</p> <p>9 this agreement?</p> <p>10 A I don't remember. I mean, must have.</p> <p>11 MR SMITH: Do you understand the</p> <p>12 question? Do you understand</p> <p>13 Mr. Gregerson's question?</p> <p>14 THE WITNESS: What exactly?</p> <p>15 BY MR GREGERSON:</p> <p>16 Q I'm asking like if this is the first time</p> <p>17 you've seen this name or you remember seeing</p> <p>18 this name before. If you --</p> <p>19 MR SMITH: Excuse me. I have to</p> <p>20 object to the form of the question and</p> <p>21 maybe it would be more helpful if you</p> <p>22 rephrase your question to include the</p> <p>23 name you're curious about.</p> <p>24 BY MR GREGERSON:</p> <p>25 Q Okay. Is the name -- I'm going to refer to</p>

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1 this as the Zubitsky photo agreement The
 2 signator is Michael Zubitsky
 3 A Mm-hmm.
 4 Q I'm not sure if I have the pronunciation
 5 right, but I say Zubitsky. Do you recognize
 6 the name Michael Zubitsky?
 7 A I just don't remember.
 8 Q Did you look at any identification when you
 9 notarized that document?
 10 A I usually do
 11 Q I guess I'm not clear if that means yes
 12 A I should say I always do, yes.
 13 Q Okay. What form of identification did you
 14 see?
 15 A A picture ID I don't remember what it was.
 16 Q A picture ID Can you tell my what a picture
 17 ID would include? When you say "picture ID,"
 18 there's probably limits. For example, a
 19 library card might not count or maybe that
 20 would. Could you tell me what a picture ID --
 21 MR SMITH: Excuse me. I have to
 22 object. Is the question generally what
 23 is a picture ID or is the question about
 24 Exhibit A and the picture ID of Michael
 25 Zubitsky?

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1 MR. GREGERSON: It's my
 2 understanding the deponent has said that
 3 he doesn't have a specific recollection
 4 but that you always look at a picture
 5 ID. And so based upon your knowledge of
 6 your own procedure that you follow, you
 7 would have looked at a picture ID.
 8 BY MR. GREGERSON:
 9 Q And so the question is, does that phrase --
 10 I'm asking you to define that phrase. Because
 11 in the requirements for notarizing a document,
 12 I assume not any picture ID is acceptable, but
 13 there's certain types -- you look at a certain
 14 kind of picture ID
 15 A Usually a license, Minnesota ID, passports.
 16 Those kind. Maybe a green card. The legal
 17 IDs.
 18 Q You -- just to be clear, you don't remember
 19 witnessing this specifically and you don't
 20 remember the particular ID that you saw?
 21 A No, I don't remember.
 22 Q Is it possible that you didn't notarize this
 23 document?
 24 A It seems like it's my signature and it seems
 25 like I did notarize it.

1 Q Would there be any way to tell if your
 2 notarization was placed on this document
 3 without your knowledge, your signature and
 4 notarization?
 5 A I don't know The signature looks like mine.
 6 It looks like I would sign that.
 7 Q Is it possible that it was copied from a
 8 different document and placed on this one?
 9 A I can't tell
 10 Q You don't have a specific recollection of
 11 having met the signator and witnessed the
 12 signing of this document?
 13 A I don't understand the question I'm sorry.
 14 Q Do you specifically recall witnessing that
 15 signature?
 16 A I don't specifically recall that particular
 17 signature, no.
 18 Q Have you ever met Michael Zubitsky?
 19 A No. Maybe back then when we were signing,
 20 yes. I don't know the guy.
 21 Q Okay. You met him -- I guess I'm not clear on
 22 the answer. I'm asking if you met him or did
 23 not meet him, not if you know him.
 24 A Meet him. You mean when he was particularly
 25 signing it or like before or after?

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1 MR. SMITH: I guess the witness
 2 doesn't understand the question. Could
 3 you maybe ask it differently.
 4 BY MR. GREGERSON:
 5 Q Were you ever in the same room as Michael
 6 Zubitsky?
 7 A When he was signing.
 8 Q Were you ever in the same room ever?
 9 A Yes, I was.
 10 Q And do you remember being in his presence?
 11 A I believe, yes, he signed.
 12 Q Can you tell me what you remember?
 13 A Exactly remember what?
 14 Q You remember being in the same room with him?
 15 A Yes.
 16 Q Can you tell me what you remember?
 17 A Just notarizing the signature.
 18 Q Can you tell me what you know about Michael
 19 Zubitsky, including his appearance?
 20 A No. I can't do that. I don't remember.
 21 Q Do you know anything about him?
 22 A No.
 23 Q Do you know if he was taller than you?
 24 A Don't remember.
 25 Q Do you remember what race he was?

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1 A You mean race --
 2 MR SMITH: Do you understand that
 3 question?
 4 THE WITNESS: Yeah, I believe so
 5 MR SMITH: You may answer
 6 THE WITNESS: White.
 7 BY MR GREGERSON:
 8 Q I'd like to clarify my question about him.
 9 When I ask if you remember anything, it would
 10 include his race. It's meant as a very
 11 literal question and you should answer as
 12 completely as you can
 13 MR SMITH: Well, I have to object
 14 to that instruction and I don't know if
 15 that's a question. The witness is
 16 having difficulty with the form of your
 17 questions. And if you have a specific
 18 question in mind, you should ask that.
 19 The witness doesn't understand when you
 20 say do you remember anything about this
 21 guy. So I think the witness is having
 22 difficulty with your questions and I'd
 23 ask you to restate them so that he can
 24 understand and answer.
 25 MR. GREGERSON: I can restate my

1 Q What was discussed when this notarization,
 2 this signature took place?
 3 A I think Andrew came up to me and asked me to
 4 notarize the guy's signature. That's all
 5 And I did verify and notarize
 6 Q Did you speak in Russian?
 7 A I believe so, yes. I don't remember actually
 8 I should say. I don't remember what I spoke
 9 Q Did Michael Zubitsky have the ability to speak
 10 Russian? Did he know Russian?
 11 A Don't remember
 12 Q Do you have any way of contacting Michael
 13 Zubitsky?
 14 A Do I? No.
 15 Q Are you unable to locate his name in the phone
 16 book?
 17 A I never tried. I don't know.
 18 Q Do you have any reason to believe he is not in
 19 the phone book?
 20 A I don't have any reason, no
 21 Q Did anyone else at Vilana Financial meet
 22 Michael Zubitsky?
 23 A I don't know.
 24 Q Are you aware of any physical evidence that
 25 would show that Michael Zubitsky exists?

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1 question with more specificity. At the
 2 same time I don't wish to lead the
 3 witness. If I ask did he have a red
 4 hat, that to me would be a rather
 5 leading question, but I can be -- I can
 6 find maybe a middle ground.
 7 MR. SMITH: Well, I object to the
 8 form of the question, "What do you
 9 remember about this person." I don't
 10 think the witness understands it.
 11 BY MR. GREGERSON:
 12 Q Do you remember if Michael Zubitsky had all of
 13 his limbs, if he was disabled in any way?
 14 A I don't remember. Probably.
 15 Q Okay.
 16 A Probably he was.
 17 MR. SMITH: The question is do you
 18 remember. Do you remember?
 19 THE WITNESS: No. It was a long
 20 time ago. I don't remember if I
 21 notarized a month ago.
 22 BY MR. GREGERSON:
 23 Q Did you see Michael Zubitsky being paid any
 24 money?
 25 A No.

1 A I don't understand. What do you mean,
 2 physical evidence?
 3 Q I'm using the term physical evidence to refer
 4 to something that's either -- it's concrete,
 5 such as a piece of paper, as opposed to a
 6 memory.
 7 A Okay. I don't know. The guy came to sign and
 8 that's it. I don't know.
 9 Q You don't recall seeing this document before
 10 today?
 11 A Before today? I did actually see it today or
 12 a couple days ago before I came here.
 13 Q Do you recall seeing it at any other time?
 14 A Not that I remember offhand.
 15 Q Who informed you of the deposition here today?
 16 A I believe I got your voice mail.
 17 Q Did you have a chance to talk to Andrew
 18 Vilenchik about the deposition here today?
 19 A Yes.
 20 Q What did you and Andrew discuss about the
 21 deposition? Were you given any instructions?
 22 A No.
 23 Q What did you discuss?
 24 A Basically directions, how to get here.
 25 Q I'd like to show you another document and I'll

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<p>1 provide a photocopy. This can be B</p> <p>2 (WHEREUPON, Deposition Exhibit B</p> <p>3 was marked for identification)</p> <p>4 BY MR. GREGERSON:</p> <p>5 Q I have some questions about the advertisement</p> <p>6 here on the inside cover of the Dex Plus phone</p> <p>7 book for 2005. Did you participate in the</p> <p>8 design of this advertisement?</p> <p>9 A No.</p> <p>10 Q Do you know who designed it?</p> <p>11 A No.</p> <p>12 Q Have you seen this before?</p> <p>13 A The book, yes.</p> <p>14 Q Have you seen this advertisement before?</p> <p>15 A Where?</p> <p>16 Q Anywhere.</p> <p>17 A In the book I did.</p> <p>18 Q Do you do graphic design?</p> <p>19 A No.</p> <p>20 Q Have you seen this photo before today?</p> <p>21 A Before today, yes.</p> <p>22 Q Where did you see it?</p> <p>23 A In the book.</p> <p>24 Q Anyplace else?</p> <p>25 A In I believe a newspaper advertisement,</p>	<p>1 Q Can you tell me what your role is at Vilana.</p> <p>2 your job description?</p> <p>3 A I'm an account mangager/loan officer, so I</p> <p>4 process the loans and I manage some guys, some</p> <p>5 employees at the office.</p> <p>6 Q What types of documents do you notarize in</p> <p>7 your work at Vilana?</p> <p>8 MR. SMITH: I object. You just</p> <p>9 asked this question three questions ago</p> <p>10 and he answered</p> <p>11 BY MR. GREGERSON:</p> <p>12 Q I can be a little bit more specific. I recall</p> <p>13 his answer. The purpose of the follow-up</p> <p>14 question is that I'm not familiar with what a</p> <p>15 mortgage -- you know, I think you may have</p> <p>16 used a general term like real estate</p> <p>17 documents. I'm not familiar with what a real</p> <p>18 estate document is. Can you tell me what that</p> <p>19 would be?</p> <p>20 A It's basically same thing. When people come</p> <p>21 and sign the documents for their closing when</p> <p>22 there's a closing.</p> <p>23 Q Would that be called a sales agreement, like a</p> <p>24 sale of a house?</p> <p>25 A Mortgage agreement I guess you could call</p>
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<p>1 Russian community newspaper before I saw it.</p> <p>2 Q You don't work as -- you don't do any graphic</p> <p>3 design work for Vilana Financial?</p> <p>4 A No.</p> <p>5 Q Do you know who does?</p> <p>6 A No.</p> <p>7 Q Did Andrew discuss with you the current</p> <p>8 litigation, the suit that your employer has</p> <p>9 with myself?</p> <p>10 A Yeah, kind of. Somewhat I'm aware about it.</p> <p>11 Q Can you tell me what you and he discussed?</p> <p>12 A I guess just about the picture that was sold</p> <p>13 to him, I guess, that belonged to somebody</p> <p>14 else. I don't know. I don't know much about</p> <p>15 it. I just come to work and leave.</p> <p>16 Q Have you ever notarized any other documents</p> <p>17 for Vilana?</p> <p>18 A Yeah. I could. We're in the mortgage</p> <p>19 business, so there is a lot of documents that</p> <p>20 sometimes need to be notarized, yeah.</p> <p>21 Q What kind of documents do you notarize as part</p> <p>22 of the mortgage business?</p> <p>23 A Well, sometimes we need to notarize for real</p> <p>24 estate purposes, for mortgage purposes, for</p> <p>25 business -- ongoing business relations</p>	<p>1 that, a note.</p> <p>2 Q Would it be an agreement between someone else</p> <p>3 and Vilana?</p> <p>4 A It's between someone else and the bank and,</p> <p>5 yeah, Vilana.</p> <p>6 Q Vilana is a party -- they're a part of the</p> <p>7 agreement?</p> <p>8 A It just depends. I don't know if -- every</p> <p>9 time it's different. It's not always the</p> <p>10 same. It depends what kind of papers you sign</p> <p>11 that I have to notarize.</p> <p>12 Q Is this something you do every week?</p> <p>13 A No. It's just something I do occasionally. I</p> <p>14 mean, if somebody needs to notarize something,</p> <p>15 they ask me and I will do it.</p> <p>16 Q Do you do more than one notarization in a</p> <p>17 month on average?</p> <p>18 A I would say so, yes.</p> <p>19 Q Can you tell me about how many you do in a</p> <p>20 month?</p> <p>21 A It varies. Sometimes I might do none;</p> <p>22 sometimes I might do a few.</p> <p>23 Q In other words, would that be between zero and</p> <p>24 ten?</p> <p>25 A Zero to ten. Sometimes -- yeah, zero to ten,</p>

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<p>1 I should say, to twenty maybe</p> <p>2 Q Have you ever notarized any sales agreements</p> <p>3 for services that Vilana receives? I can</p> <p>4 maybe offer some clarification You've</p> <p>5 described notarizing mortgage agreements --</p> <p>6 A Mm-hmm.</p> <p>7 Q -- that are a part of the routine business of</p> <p>8 Vilana.</p> <p>9 A Mm-hmm.</p> <p>10 Q This document, the Zubitsky photo agreement,</p> <p>11 is not a mortgage agreement.</p> <p>12 A No.</p> <p>13 Q It's not related to a mortgage or your normal</p> <p>14 business of being in real estate. Have you</p> <p>15 ever notarized other sales agreements that are</p> <p>16 not a part of the mortgage business?</p> <p>17 A I really don't know what exactly I notarize</p> <p>18 sometimes. All I do is notarize the</p> <p>19 signatures.</p> <p>20 Q Do you recall specifically ever notarizing a</p> <p>21 sales agreement like this that was not part</p> <p>22 of --</p> <p>23 A I don't recall, no. I don't recall.</p> <p>24 Q Do you remember the reason that Andrew gave</p> <p>25 you for having this sales agreement notarized?</p>	<p>1 MR SMITH: So what is the</p> <p>2 question?</p> <p>3 BY MR GREGERSON:</p> <p>4 Q My question is do you have a recollection of</p> <p>5 meeting Michael Zubitsky?</p> <p>6 A A little bit, yes.</p> <p>7 Q What do you remember?</p> <p>8 A That he was white That's all To be</p> <p>9 specific --</p> <p>10 MR SMITH: Let him ask his</p> <p>11 question.</p> <p>12 BY MR GREGERSON:</p> <p>13 Q Do you remember if he had a beard or glasses?</p> <p>14 A No. Don't remember that.</p> <p>15 Q Do you remember talking on the phone about a</p> <p>16 month ago?</p> <p>17 A With?</p> <p>18 Q Myself</p> <p>19 A I believe, yeah. Yeah.</p> <p>20 Q I'd like to ask you one question about that</p> <p>21 conversation.</p> <p>22 A Mm-hmm.</p> <p>23 Q Can you tell me why you declined to talk to me</p> <p>24 unless you were ordered by the court?</p> <p>25 MR SMITH: I have to object to</p>
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<p>1 A No.</p> <p>2 Q This was notarized on March -- was this</p> <p>3 notarized on March 19th, 2004?</p> <p>4 A It looks like.</p> <p>5 Q You don't have a -- do you have a specific</p> <p>6 recollection of that?</p> <p>7 A No.</p> <p>8 Q You have no specific journal that would</p> <p>9 reflect that?</p> <p>10 A No.</p> <p>11 MR GREGERSON: I'm close to being</p> <p>12 done.</p> <p>13 MR SMITH: Okay.</p> <p>14 MR GREGERSON: I just want to --</p> <p>15 I'd like to take a moment to reflect if</p> <p>16 I've missed anything.</p> <p>17 (WHEREUPON, a short break in the</p> <p>18 proceedings was taken.)</p> <p>19 BY MR GREGERSON:</p> <p>20 Q I think there's just one thing that I'd like</p> <p>21 to clarify Reflecting on your answers, it</p> <p>22 seemed that you -- I'm not clear if you</p> <p>23 remember notarizing this agreement and</p> <p>24 remember meeting Michael Zubitsky or you have</p> <p>25 no recollection of that.</p>	<p>1 that. I believe that the reason the</p> <p>2 witness declined was because his</p> <p>3 attorney wasn't present and it's</p> <p>4 inappropriate to ask questions about why</p> <p>5 a witness invoked an attorney-client</p> <p>6 privilege or privileges under the rules</p> <p>7 to have his attorney present. You can</p> <p>8 ask your next question.</p> <p>9 BY MR GREGERSON:</p> <p>10 Q I have a more specific question. In that</p> <p>11 conversation you had said that, "I don't want</p> <p>12 to be in the middle of this."</p> <p>13 A Mm-hmm.</p> <p>14 Q Can you tell me what you meant by that?</p> <p>15 A Well, I just meant that I don't want to answer</p> <p>16 any questions unless it's ordered by court or</p> <p>17 anything like this. I just don't want to</p> <p>18 discuss with anybody anything. 'Cause this is</p> <p>19 all internal and I just don't want to be the</p> <p>20 one to say something I'm not supposed to.</p> <p>21 Q Were you afraid of there being some kind of</p> <p>22 problem if you spoke with me?</p> <p>23 MR SMITH: I object. You know,</p> <p>24 the witness asserted his right to have</p> <p>25 his attorney present. He was asked a</p>

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CondensetTM

Vladimire Kazaryan

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<p>1 question by a party in the absence of</p> <p>2 his attorney, which is a violation of</p> <p>3 the rules, and the witness refused to</p> <p>4 answer. And I'm instructing the witness</p> <p>5 not to answer anymore questions about</p> <p>6 the conversation where ex parte</p> <p>7 communication was attempted.</p> <p>8 MR GREGERSON: I understand most</p> <p>9 of what you said, but I'd like to</p> <p>10 clarify something. Do you mean to say</p> <p>11 that during that conversation the</p> <p>12 deponent asked to not speak without his</p> <p>13 attorney present?</p> <p>14 MR SMITH: I'm not being deposed</p> <p>15 and I'm not going to answer your</p> <p>16 question. I've asserted an objection</p> <p>17 and I've instructed my client not to</p> <p>18 answer anymore questions about your</p> <p>19 attempt to talk with him without his</p> <p>20 attorney present. You may move on.</p> <p>21 BY MR GREGERSON:</p> <p>22 Q Did you sign this signature here that's above</p> <p>23 Michael Zubitsky?</p> <p>24 A No.</p> <p>25 MR GREGERSON: Okay. That's it.</p>	<p>1 WITNESS CERTIFICATE</p> <p>2 I, VLADIMIRE S. KAZARYAN, the undersigned, do</p> <p>3 hereby certify that the foregoing 30 pages are</p> <p>4 true and accurate to the best of my knowledge</p> <p>5 (with the exception of the following changes, if</p> <p>6 any):</p> <p>7 Page: Line: Reason For Change:</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Date: _____</p> <p>25 DDW</p>
Page 30	Page 32
<p>1 (WHEREUPON, at 2:50 p.m. the</p> <p>2 deposition duly ended.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 NOTARY-REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 STATE OF MINNESOTA } ss</p> <p>4 COUNTY OF SHERBURNE }</p> <p>5</p> <p>6 I hereby certify that I reported the deposition of</p> <p>7 VLADIMIRE S. KAZARYAN, on the 6th day of February,</p> <p>8 2006, in Minneapolis, Minnesota, and that the</p> <p>9 witness was by me first duly sworn to tell the</p> <p>10 whole truth.</p> <p>11 THAT the testimony was transcribed under my</p> <p>12 direction and is a true record of the testimony of</p> <p>13 the witness;</p> <p>14 THAT the cost of the original has been charged to</p> <p>15 the party who noticed the deposition, and that all</p> <p>16 parties who ordered copies have been charged at</p> <p>17 the same rate for such copies;</p> <p>18 THAT I am not a relative or employee or attorney</p> <p>19 or counsel of any of the parties, or a relative or</p> <p>20 employee of such attorney or counsel;</p> <p>21 THAT I am not financially interested in the action</p> <p>22 and have no contract with the parties, attorneys,</p> <p>23 or persons with an interest in the action that</p> <p>24 affects or has a substantial tendency to affect my</p> <p>25 impartiality;</p> <p>26 THAT the right to read and sign the deposition by</p> <p>27 the witness was NOT waived</p> <p>28 WITNESS MY HAND AND SEAL this 14th day of</p> <p>29 February, 2006.</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> <p>103</p> <p>104</p> <p>105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p> <p>110</p> <p>111</p> <p>112</p> <p>113</p> 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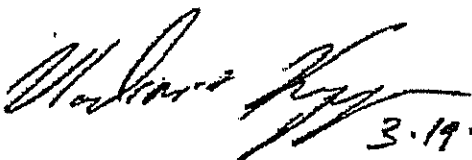


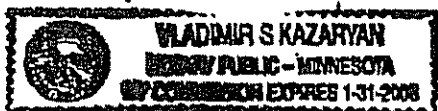
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March 19, 2004

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MICHAEL ZUBITSKIY

